



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 28/07/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.7213 of 2020

1. ANITH
2. RAHUL

... PETITIONERS/ACCUSED NOS.1 & 2

VS

STATE REP. BY
THE INSPECTOR OF POLICE,
MANAVALAKURICHY POLICE STATION,
MANAVALAKURICHIY,
KANYAKUMARI DISTRICT.
(CRIME NO.233/2020).

... RESPONDENT/COMPLAINANT

For Petitioners : M/s.P.Senthil,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

PETITION FOR BAIL Under Sec.439 of Cr.P.C.
PRAYER :-

For Bail in Cr.No. 233 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners herein were arrested on 02.06.2020 for the alleged offences under Sections 294(b),323,324,307 and 506(ii) of IPC.

2.Totally there are four accused in this case. The petitioners herein are arrayed as A1 and A2. The allegation against the petitioners is that on the date of occurrence when the defacto complainant questioned about the rash and negligent driving of the petitioners herein, the petitioners herein said to have attacked the defacto complainant with weapon and caused injuries. Hence the



3.The learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in the above case. He would also submit that A1 in this case was infected with Covid- 19 virus and he is taking treatment in the Government hospital. He would also submit that the injured was discharged from the hospital. He would also submit that the petitioners are in jail for nearly 50 days and hence they may be granted bail.

4.The learned Government Advocate(Crl.Side) would submit that on the date of occurrence when the defacto complainant questioned about the rash and negligent driving of the petitioners herein, the petitioners herein said to have attacked the defacto complainant with weapon and caused injuries. He would also submit that A3 and A4 are still absconding and the injured was also discharged from the hospital. He would further submit that A1 in this case was infected with Covid- 19 virus and he is taking treatment in the hospital

5.Taking into consideration the facts and circumstances of the case that the incident occurred due to wordy quarrel and also taking note of the fact that the injured was discharged from the hospital and also taking into consideration the period of incarceration, this Court is inclined to grant bail to the petitioners subject to the following conditions:

6.Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Eraniel

i) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity.

ii) the petitioners shall report before the respondent police daily as and when required for interrogation.

iii)the petitioners shall not tamper with evidence or witness.

iv) the petitioners shall not abscond during trial.

v)On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].



vi) If the petitioners/accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
28/07/2020

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

- 1 THE JUDICIAL MAGISTRATE,
ERANIEL.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANNIYAKUMARI AT NAGERCOIL.
- 3 THE INSPECTOR OF POLICE,
MANAVALAKURICHY POLICE STATION,
MANAVALAKURICHIY, KANYAKUMARI DISTRICT.
- 4 THE OFFICER INCHARGE,
DISTRICT JAIL, NAGERCOIL.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.7213 of 2020
Date :28/07/2020

aav
JM/PN/SAR 3/28.07.2020/3P/6C